



Appendix E NEPA Roadmap

1.0 INTRODUCTION

This appendix to the Engineering Evaluation/Cost Analysis (EE/CA) for the waste shale and former impoundments of the Anvil Points Facility (APF) was prepared to document integration of National Environmental Policy Act (NEPA) elements in site-specific actions proposed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), sections of the National Contingency Plan (NCP) applicable to removal actions (30 CFR § 300.415(b)(4)(I)). This appendix provides a roadmap which identifies where in the APF Regulatory Package the requisite NEPA elements are addressed. Additional or separate NEPA procedures and documents have not been prepared. The relationship between NEPA and other environmental regulations and guidance is presented in a manner that minimizes effort and duplication of paperwork, while providing adequate documentation of NEPA compliance for the proposed APF actions.

The APF Regulatory Package comprises a number of documents which form the foundation of environmental information and analysis upon which impact analysis and regulatory decisions for the APF project will be based. These include:

- Site evaluation for the Anvil Points Facility Waste Shale Pile, Colorado. (CDPHE 2000)
- Draft Final Preliminary Assessment. Anvil Points Facility and the Former Naval Oil Shale Reserve #3, Colorado (Ecology and Environment, Inc. 2004a)
- Draft Engineering Evaluation/Cost Analysis (EE/CA) for Waste Shale and Impoundments – Naval Oils Shale Reserves 1 and 3, Anvil Points Facility (Ecology & Environment 2004b)
- Glenwood Springs Resource Area, Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (FSEIS) (BLM 1999)
- Draft Roan Plateau Planning Area - including former Naval Oil Shale Reserves Numbers 1 and 3 - Resource Management Plan Amendment and Environmental Impact Statement (BLM 2004)
- NEPA Roadmap (Appendix to EE/CA)

2.0 IDENTIFICATION OF NEPA ELEMENTS

NEPA elements are being integrated into the APF site-specific CERCLA actions at the Environmental Assessment (EA) level of element development and analysis for this project. The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500-1508) does not require a particular format for EAs. However, the BLM NEPA Handbook (BLM 1988b) provides specific guidance for EA format and required components and analyses. The following sections direct the reader to the location of BLM-required EA elements within the APF Regulatory Package.

2.1 Title/Heading

The BLM NEPA Handbook and CEQ regulations note that an EA should include:

- project title and location
- name and location of BLM office responsible for the analysis of the recommended action

The Site Evaluation (SE), Draft Final Preliminary Assessment (DPA), and the EE/CA all have cover sheets. The EE/CA cover provides all of the required information.

2.2 Need for the Proposed Action

The CEQ regulations state that an EA "...shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action". The BLM NEPA Handbook also requires identification of applicable land use plan(s) and a demonstration of how the proposed action has been determined to conform to the applicable plan(s).

The purpose and need to remediate the APF is discussed in the SE conclusion section. This text is referenced in Chapter 3 of the DRAFT RMPA/EIS. Chapter 6 of the EE/CA – Identification of Removal Action Objectives – also details this need for remediation.

The basis for demonstration of NEPA adequacy via this Roadmap is the conclusion that the recommended action is in compliance with the current Land Use Plan (LUP) for the area following BLM Instructional Memorandum (IM) No. 2001-062 (BLM 2000).

As detailed in the IM, existing NEPA documentation may be used when:

- (1) a current proposed action was previously proposed and analyzed (or is part of an earlier proposal that was analyzed);
- (2) resource conditions and other relevant circumstances have not changed significantly, and there is no significant new information germane to the proposed action; and
- (3) there is no suggestion by the public of a significant new and appropriate alternative.

Management of the Planning Area is currently guided by the following documents, which in some cases provide overlapping and outdated direction:

- Glenwood Springs Resource Area RMP, January 1984 (Revised July 1988)(BLM 1988a)
- Operational Management Plan for Naval Oil Shale Reserves 1 and 3 (DOE 1988)
- Glenwood Springs Resource Area Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (FSEIS), January 1999 (BLM 1999)
- Colorado Public Land Health Standards and Guidelines for Livestock Grazing Management Decision Record and Finding of No Significant Impact (BLM 1997)

The Glenwood Springs Resource Area Resource Management Plan (RMP) (BLM 1988a) is the current land use plan for the larger vicinity of the APF. However, as this plan does not specifically address former Naval Oil Shale Reserves (NOSRs) No. 1 and 3, this RMP is not applicable to the APF. The most current active land use plan for the APF area is the Glenwood Springs Resource Area Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (FSEIS) (BLM 1999). Again, this document is limited in its applicability to the APF by solely addressing oil and gas leasing. The proposed remedial project is not inconsistent with any aspects of this plan

The existing RMP for the Glenwood Springs Resource Area (GSRA) (BLM 1988a) is being amended to incorporate lands for which management has been transferred to BLM, and to incorporate periodic amendments of existing RMPs to guide public land management for all public lands within BLM's jurisdiction. This Draft Roan Plateau Resource Management Plan Amendment and Environmental Impact Statement (DRAFT RMPA/EIS) (BLM 2004) presents options for, and evaluates the environmental consequences of, management of BLM administered lands in the Roan Plateau Planning Area which specifically comprises former

Naval Oil Shale Reserves (NOSRs) No. 1 and 3. The U.S. Department of the Interior Bureau of Land Management is updating these plans in accordance with the Federal Land Policy and Management Act (FLPMA).

In response to the requirements of FLPMA to develop an RMP for all BLM lands and the relevant social and environmental factors, BLM developed five alternatives, each comprising different levels of environmental protection, resource management, and opportunities for oil and gas development. The DRAFT RMPA/EIS (BLM 2004) evaluates these five alternatives on Federal lands within the Planning Area.

Scoping results for the DRAFT RMPA/EIS (BLM 2004) include reclamation of the spent shale pile and DOE facilities. Remediation of the spent oil shale pile and ancillary facilities such as adits, sheds, and gravel roads is included in all five alternatives analyzed in the RMPA.

It has been determined that the proposed action alternatives for the APF are in compliance with the current lands use plan (BLM 1999) as well as the preferred alternative in the proposed DRAFT RMPA/EIS (BLM 2004). Rationale for this conclusion is documented in the completed worksheet included in Attachment 1.

2.3 Proposed Action and Alternatives

The CEQ directs that agencies use the NEPA process to identify and comparatively analyze a range of reasonable alternatives to proposed actions that will avoid or minimize adverse effects on the quality of the human environment. This includes a No Action alternative. The BLM NEPA Handbook requires reference to bureauwide policy or programmatic requirements, including standard or routine procedures.

A description of the remediation alternatives for the APF is located in Chapter 7 of the EE/CA.

2.4 Affected Environment

The CEQ directs that a succinct description of the physical and human environment of the area to be affected by the proposed alternatives be provided. The extent of the affected environment is determined by the nature and significance of potential ecological, cultural, health, and economic impacts. Information provided should be commensurate with the importance of potential impacts. BLM requires a description of the general setting, including a map, as well as all resources and values which could be affected by the proposed action or alternatives. Critical elements must be identified.

A comprehensive description of the affected environment is provided in Chapter 3 of the DRAFT RMPA/EIS. Pertinent aspects of this are summarized in Section 3.1 in the DPA. In addition, the affected environment has also been addressed in Sections 2 and 3 of the EE/CA. These sections evaluate the geology; soils; hydrology; hydrogeology; land use; populations; ecological resources; sensitive species and environments; meteorology; and nature and extent of contamination. Cultural resources of the area have been addressed by a Cultural Resources Survey of the Anvil Points Facility (RMC Consultants, Inc. 2004), completed by a subcontractor to E&E.

A list of critical and non-critical elements of the human environment considered against potential impacts due to implementation of the recommended action is included in Table 9-1 in the EE/CA.

2.5 Environmental Impacts

The CEQ notes that alternatives must be compared in a scientific and analytical manner. The BLM NEPA Handbook requires these comparisons include direct, indirect, and cumulative impacts to identified elements and be identified for the proposed action and alternatives, after the application of described mitigation measures.

The APF project follows CEQ guidance that potential impacts be discussed in proportion to their significance, this includes assessing impacts within the larger context of other actions analyzed in the DRAFT RMPA/EIS.

An analysis of impacts to critical elements of the human environment against implementation of the recommended action is located in Chapter 9 of the EE/CA.

Impacts of the no-action alternative (in terms of addressing the shale pile) are discussed in the streamlined risk assessment in the EE/CA (Section 4.0). Potential environmental impacts resulting from the action would be consistent with the RAOs listed in the EE/CA (Section 6.1) and are discussed in the alternative analysis (Section 7.0).

2.6 Persons and Agencies Consulted

EAs do not require a set distribution. The following comprises a list of the agencies and organizations that reviewed copies of the SE, DPA, and/or the EE/CA.

- Colorado Department of Public Health and Environment – Hazardous Materials and Waste Management Division
- U.S. Department of Interior, Bureau of Land Management (BLM)
- Environmental Protection Agency (EPA)

In addition, the public comment period will provide an opportunity for citizens, agencies and organizations to provide input into the removal action selection process.

2.7 References

Although CEQ guidance does not specifically require references be provided in NEPA documents, they are most often included to document data, information, statements, and analyses.

The DPA, EE/CA, and DRAFT RMPA/EIS all contain reference sections with complete citations for referenced materials. Citations for references in the Roadmap are included in Section 3.0, below.

2.8 Index

CEQ guidance does not require that an EA included an index.

The Tables of Contents in the SE, DPA, EE/CA, and DRAFT RMPA/EIS all guide readers to specific elements and topics in each document.

2.9 Appendices

CEQ guidance recommends the content of appendices to NEPA documents should “...substantiate any analysis fundamental to the decisions to be made”.

The DPA, EE/CA, and DRAFT RMPA/EIS all contain appendices.

3.0 REFERENCES

- Bureau of Land Management (BLM). 1988a. Glenwood Springs Resource Area Resource Management Plan (RMP). Grand Junction District Office, Colorado. U.S. Department of the Interior.
- Bureau of Land Management (BLM). 1988b. National Environmental Policy Act (NEPA) Handbook. BLM Manual H-1790-1. October.
- Bureau of Land Management (BLM). 1996. White River Resource Area, Proposed Resource Management Plan and Final Environmental Impact Statement [ROD issued July 1997]. Craig District Office, Colorado. U.S. Department of the Interior.
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- U.S. Department of Energy (DOE). 1988. Operational management plan for Naval Oil Sale Reserves 1 and 3.